

Below is the Appeal Statement clearly laying out the case for why the Certificate of Lawfulness should be granted for 289–291 Bath Road:

We submit this appeal on the grounds that the properties at 289 and 291 Bath Road, Hounslow TW3 3DB, have been in continuous use as bed and breakfast (B&B) accommodation for a period exceeding 10 years before the date of the application (16/09/2024), thus meeting the requirements under Section 191(2) of the Town and Country Planning Act 1990 for a lawful use.

The Council's refusal was based on the assertion that the applicant failed to demonstrate lawful use in 2018. However, substantial and credible evidence to the contrary was submitted, including:

- **Council-Issued Business Rates** addressed to “The Firs Bed and Breakfast” at 289 & 291 Bath Road from 2010 to 2024.
- **Financial records** from independent accounting firm Chancellors LLP dating back to 2000, consistently referencing B&B operations at the subject address.
- **Continuous VAT returns** submitted under the Firs Lodge Ltd name with the same property address covering all quarterly periods.
- **Statements from the company director and site manager**, both affirming uninterrupted B&B use from at least 2005 for the combined properties, with 289 operating independently as a B&B since 1999.
- **Energy Performance Certificates**, fire safety inspections, gas safety records, and Airbnb/short-let listings verifying the operational nature and character of the property as visitor accommodation.

The refusal decision appears to overlook or undervalue this documentary chain of lawful use, particularly for the critical year 2018, where VAT filings, council tax records, and rate notices provide consistent evidence of continued operation.

Furthermore, past enforcement and planning reports dating back to 2011 and 2012—including conclusions from Hounslow Council's own enforcement officers—acknowledged that the use of these properties as a bed and breakfast was long-standing and likely immune from enforcement due to the length of use at the time. This adds further weight to the fact that the use has been continuous and not materially altered during the relevant period.

We therefore respectfully request the Inspector to find that, on the balance of probabilities, the evidence presented demonstrates lawful, continuous use of 289–291 Bath Road as a bed and breakfast for more than 10 years, and to grant the Certificate of Lawful Use accordingly.

In addition to the documentary evidence provided, we refer to the policy framework outlined in Annex 8 of Circular 10/97, which governs Lawful Development Certificate (LDC) applications under the Town and Country Planning Act 1990 (as amended). This statutory guidance reinforces that the legal test for assessing the lawfulness of a use is 'on the balance of probabilities' (paragraph 8.15), not beyond reasonable doubt. This legal threshold is critical, as the Planning Authority appears to have adopted a stricter evidentiary standard, which is inconsistent with established legal norms for LDC determinations.

Further, as held in the case of *F W Gabbittas v SSE and Newham LBC* [1985] JPL 630, the applicant's own evidence, if precise and unambiguous, does not need to be corroborated by independent third-

party evidence unless contradicted. The Council's refusal fails to provide contradictory evidence or identify why our submitted records do not meet the standard of precision required.

As outlined in paragraph 8.3 of Annex 8, a use becomes lawful if no enforcement action has been taken within the relevant period and no enforcement notice is in force. The Planning Authority has not disputed that no enforcement notice has been issued for either 289 or 291 Bath Road during the 10-year relevant period, nor have they provided evidence of a material interruption in use. Therefore, the claim satisfies the requirements of section 191(2) of the 1990 Act.

Finally, the refusal decision fails to consider paragraph 8.14 of the same Annex, which mandates that if sufficient information is provided to satisfy the authority of the use's lawfulness, a certificate must be granted. Given that no material contradictions were presented, and the cumulative evidence clearly demonstrates 10 years of continuous B&B use, the refusal lacks lawful justification.

We therefore submit that this appeal satisfies all requirements outlined under section 191 of the 1990 Act, and respectfully request the Inspector to allow the appeal and issue the Certificate of Lawfulness.